

WEDNESDAY, MARCH 30, 1994

EIGHTIETH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Michael Mayo, Saturn Drive Baptist Church, Nashville, TN.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Thompson; personal business.

Representative Cole (Dyer); out-of-state business.

Representative Garrett; prior personal commitments.

MESSAGE FROM THE SENATE

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1716, 1861, 1875, 2256, 2323, 2345, 2409, 2465, 2471,

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2572, 2575 and 2727; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1716 -- Taxes, Excise --** Allows employers credit from excise tax equal to 20 percent of cost of providing approved basic skills education programs that enhance level of employee to 12th grade functional level. Amends TCA, Title 67. by *Patten, *Cooper.

***Senate Bill No. 1861 -- Taxes, Corporations --** Exempts from sales tax services rendered between directly or indirectly owned parent corporations and wholly owned subsidiaries, retroactively to January 1, 1988. Amends TCA, Title 67, Ch. 6, Pt. 3. by *Hamilton.

***Senate Bill No. 1875 -- Education --** Requires state funds allocated for capital projects at certain public schools be expended solely for such capital projects. Amends TCA, Title 49, Ch. 3. by *Haynes, *Rochelle.

Senate Bill No. 2256 -- Highways, Roads and Bridges -- Adds South Knoxville Boulevard to Scenic Highway System. Amends TCA, Title 54, Ch. 17. by *Wallace, *Gilbert.

***Senate Bill No. 2323 -- Taxes, Gasoline, Petroleum Products --** Exempts, upon meeting certain requirements, fuel and petroleum products sold to or used by air common carrier from tax. Amends TCA, Title 67, Ch. 6, Pt. 3. by *Haynes, *Harper, *Rochelle, *Person, *Kyle.

***Senate Bill No. 2345 -- Highways, Roads and Bridges --** Requires designation and appropriately marked lanes by commissioner of transportation, responsible municipal authority or county legislative body, respectively, on appropriate state highways, municipal streets and county roads solely for use of bicycles. Amends TCA, Title 54. by *Henry.

***Senate Bill No. 2409 -- Pensions and Retirement Benefits --** Alters method of valuation of certain investments; gives board of trustees new powers in certain situations. Amends TCA, Title 8, Ch. 37, Pt. 1. by *Atchley, *McNally, *Rochelle, *Henry.

***Senate Bill No. 2465 -- Pensions and Retirement Benefits --** Expands from 90 to 120 days time retired employee may work without diminishing state retirement benefits. Amends TCA, Title 8, Ch. 36. by *Crutchfield.

***Senate Bill No. 2471 -- Tennessee Housing Development Agency --** Allows for transfer of surplus funds from housing program reserve fund to housing program fund for certain purposes upon approval by bond finance committee and board of directors. Amends TCA 13-23-404. by *Henry, *McKnight.

Senate Bill No. 2572 -- Alcoholic Offenses -- Redefines offense of flying under influence of an intoxicant; establishes implied

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consent for blood alcohol testing of persons acting as crew men of airplanes; establishes penalty for refusing to take such test. Amends TCA, Title 42, Ch. 1, Pt. 2. by *Wilder, *McKnight.

Senate Bill No. 2575 -- Criminal Offenses -- Makes sale, transfer or conveyance of certain items to metals recycling facility without signed written acknowledgement Class B misdemeanor. Amends TCA, Title 39, Ch. 17. by *Cohen.

Senate Bill No. 2727 -- Public Funds and Financing -- Clarifies application of uniform collateralization of public deposits for local governments. Amends TCA, Title 5, Ch. 8, Pts. 2, 3, 6-4-402, 6-22-120, 6-35-313, 6-56-106, 110; Title 9, Ch. 4. by *Albright.

MESSAGE FROM THE SENATE

March 29, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 338, 383, 386, 387 and 388; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 0338 -- General Assembly, Directed Studies --** Urges department of transportation to conduct study relative to S.R. 116 in Anderson County. by *McNally.

Senate Joint Resolution No. 0383 -- Memorials, Death -- Luther Miller True. by *Elsea.

Senate Joint Resolution No. 0386 -- Memorials, Sports -- Springfield High School football team, 1994 TSSAA Class AAA state champions. by *Wright.

Senate Joint Resolution No. 0387 -- Memorials, Public Service -- Shelby County Sheriff's Department Interstate Interdiction Unit. by *Leatherwood, *Person, *Kyle.

Senate Joint Resolution No. 0388 -- Memorials, Death -- Maurice L. Hammett. by *Cohen, *Kyle.

ENROLLED BILLS

March 29, 1994

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2085, 2159, 2538, 2560, 2576 and 2717; House Joint Resolution(s) No(s). 531, 532, 533, 535 and 536; also, House Resolution(s) No(s). 159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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SIGNED
March 29, 1994

The Speaker signed the following bills/resolutions: House Bill(s) No(s). 2085, 2159, 2538, 2560, 2576 and 2717; House Joint Resolution(s) No(s). 531, 532, 533, 535 and 536; also, House Resolution(s) No(s). 159.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
March 29, 1994

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 952.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RECOGNITION

The Speaker recognized Rep. Pruitt in the well to introduce the Tennessee State University Basketball team, 1994 OVC Champions.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 0579** -- Naming and Designating -- "Bristol Arbor Day," April 22, 1994. by *Ramsey, *Venable.

State and Local Government Committee.

***House Joint Resolution No. 0580** -- General Assembly, Studies -- Creates special joint committee on public service television. by *Johnson.

Finance, Ways and Means Committee.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, March 31, 1994:

House Resolution No. 0160 -- Memorials, Professional Achievement -- Ann Banks, Daughters of the American Revolution Outstanding Teacher of American History in Tennessee 1994. by *Ramsey, *Venable.

House Resolution No. 0161 -- Memorials, Personal Achievement -- Mindy Diane Vice. by *Ferguson.

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House Resolution No. 0162 -- Memorials, Interns -- Bruce Gill, by *Buck, *Chumney, *Herron, *Williams K, *Stamps, *Hargrove, *Purcell, *Fisher.

House Resolution No. 0163 -- Memorials, Public Service -- Rotary Club of Harriman, 75th Anniversary. by *Ferguson.

House Resolution No. 0165 -- Memorials, Death -- Connie Martin. by *West.

House Joint Resolution No. 0578 -- Memorials, Sports -- 1993-1994 Kingsport Christian School boy's basketball team, Tennessee Athletic Association of Christian Schools Class AA state champions. by *Ramsey, *Venable.

House Joint Resolution No. 0581 -- Memorials, Recognition and Thanks -- Eighth Annual Beautillion Militaire, Shelby County Chapter, The Links, Inc. by *Jones R.

House Joint Resolution No. 0583 -- Memorials, Sports -- Walter J. Baird Junior High School girls' basketball team, Mid-Tennessee Conference champions. by *Bell.

House Joint Resolution No. 0585 -- Memorials, Death -- Woodrow W. Wilburn. by *Buck.

House Joint Resolution No. 0597 -- Memorials, Recognition and Thanks -- Students of Oak Grove School, Veterans of Foreign Wars Post 2598, and Ladies Auxiliary, Loyalty Day. by *Stockburger, *Fisher.

House Joint Resolution No. 0598 -- Memorials, Public Service -- Bradley County Soil Conservation District winners. by *Stockburger, *Fisher.

House Joint Resolution No. 0599 -- Memorials, Professional Achievement -- MTSU Nursing Honor Society, Sigma Theta Tau. by *Bragg.

House Joint Resolution No. 0600 -- Memorials, Interns -- Sherry D. Mathias. by *Phillips.

House Joint Resolution No. 0601 -- Memorials, Academic Achievement -- Stephanie Denny and Michael Robinson, outstanding spellers. by *Mires, *Bell.

House Joint Resolution No. 0602 -- Memorials, Sports -- Mt. Juliet Christian Academy boy's and girls' basketball teams. by *Mires, *Bell.

House Joint Resolution No. 0603 -- Memorials, Sports -- West Elementary Junior Varsity girls' basketball team. by *Mires, *Bell.

House Joint Resolution No. 0604 -- Memorials, Congratulations -- McGavock High School Band, 1994 King Orange Jamboree Parade. by *West, *Purcell.

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House Joint Resolution No. 0605 -- Memorials, Recognition and Thanks -- Officers, employees and members, Welcome Wagon, 66th anniversary. by *West, *Halteman Harwell, *Odom, *Stamps.

House Joint Resolution No. 0606 -- Memorials, Death -- Dr. Roy Stinnett. by *McAfee, *Stulce, *Wood, *Meyer, *Brown, *Turner B, *Crain.

House Joint Resolution No. 0607 -- Memorials, Sports -- 1993-1994 McKenzie Junior High School boys' basketball team. by *Bell, *Herron, *Ridgeway, *Phelan.

House Joint Resolution No. 0608 -- Memorials, Sports -- Clinton Middle School Lady Hawks basketball team. by *Cross, *Coffey.

House Joint Resolution No. 0609 -- Memorials, Sports -- Springfield High School wrestling team, runner-up, Small Schools division Dual Meet. by *Davidson.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Thursday, March 31, 1994:

Senate Joint Resolution No. 0383 -- Memorials, Death -- Luther Miller True.

Senate Joint Resolution No. 0386 -- Memorials, Sports -- Springfield High School football team, 1994 TSSAA Class AAA state champions.

Senate Joint Resolution No. 0387 -- Memorials, Public Service -- Shelby County Sheriff's Department Interstate Interdiction Unit.

Senate Joint Resolution No. 0388 -- Memorials, Death -- Maurice L. Hammett.

Senate Joint Resolution No. 0396 -- Memorials, Sports -- 1993-1994 Oak Ridge High School girls' basketball team, TSSAA Class 3-A state champions.

Senate Joint Resolution No. 0398 -- Memorials, Academic Achievement -- Odyssey of the Mind Teams: East Side Elementary School and T.A. Dugger Junior High, Elizabethton City Schools.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 0338** -- General Assembly, Directed Studies -- Urges department of transportation to conduct study

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relative to S.R. 116 in Anderson County.

Transportation Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2899 -- Woodbury -- Revises charter. Amends Chapter 633, Private Acts of 1925, as amended. by *Buck.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s).Bill(s) No(s). 2900 and 2901, was/were referred to the Delayed Bills Committee.

***House Bill No. 2900** -- Firearms and Ammunition -- Makes revisions on sale of handguns necessary to give Tennessee waiver from requirements of federal "Brady" law. Amends TCA, Title 39, Ch. 17, Pt. 13.

***House Bill No. 2901** -- Utilities, Utility Districts -- Provides that remaining members of board of commissioners of Clay County water utility district continue to fill future vacancies which occur on board. Amends TCA 7-82-307.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1716** -- Taxes, Excise -- Allows employers credit from excise tax equal to 20 percent of cost of providing approved basic skills education programs that enhance level of employee to 12th grade functional level. Amends TCA, Title 67. (HB 2244).

***Senate Bill No. 1861** -- Taxes, Corporations -- Exempts from sales tax services rendered between directly or indirectly owned parent corporations and wholly owned subsidiaries, retroactively to January 1, 1988. Amends TCA, Title 67, Ch. 6, Pt. 3. (HB 2351).

***Senate Bill No. 1875** -- Education -- Requires state funds allocated for capital projects at certain public schools be expended solely for such capital projects. Amends TCA, Title 49, Ch. 3. (HB 2118).

Senate Bill No. 2256 -- Highways, Roads and Bridges -- Adds South Knoxville Boulevard to Scenic Highway System. Amends TCA,

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Title 54, Ch. 17. (*HB 1878).

***Senate Bill No. 2323** -- Taxes, Gasoline, Petroleum Products -- Exempts, upon meeting certain requirements, fuel and petroleum products sold to or used by air common carrier from tax. Amends TCA, Title 67, Ch. 6, Pt. 3. (HB 2261).

***Senate Bill No. 2345** -- Highways, Roads and Bridges -- Requires designation and appropriately marked lanes by commissioner of transportation, responsible municipal authority or county legislative body, respectively, on appropriate state highways, municipal streets and county roads solely for use of bicycles. Amends TCA, Title 54. (HB 2151).

***Senate Bill No. 2409** -- Pensions and Retirement Benefits -- Alters method of valuation of certain investments; gives board of trustees new powers in certain situations. Amends TCA, Title 8, Ch. 37, Pt. 1. (HB 1994).

***Senate Bill No. 2465** -- Pensions and Retirement Benefits -- Expands from 90 to 120 days time retired employee may work without diminishing state retirement benefits. Amends TCA, Title 8, Ch. 36. (HB 2210).

***Senate Bill No. 2471** -- Tennessee Housing Development Agency -- Allows for transfer of surplus funds from housing program reserve fund to housing program fund for certain purposes upon approval by bond finance committee and board of directors. Amends TCA 13-23-404. (HB 2363).

Senate Bill No. 2572 -- Alcoholic Offenses -- Redefines offense of flying under influence of an intoxicant; establishes implied consent for blood alcohol testing of persons acting as crew men of airplanes; establishes penalty for refusing to take such test. Amends TCA, Title 42, Ch. 1, Pt. 2. (*HB 2350).

Senate Bill No. 2575 -- Criminal Offenses -- Makes sale, transfer or conveyance of certain items to metals recycling facility without signed written acknowledgement Class B misdemeanor. Amends TCA, Title 39, Ch. 17. (*HB 2437).

Senate Bill No. 2727 -- Public Funds and Financing -- Clarifies application of uniform collateralization of public deposits for local governments. Amends TCA, Title 5, Ch. 8, Pts. 2, 3, 6-4-402, 6-22-120, 6-35-313, 6-56-106, 110; Title 9, Ch. 4. (*HB 2593).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2895 -- Cleveland -- Held on Clerk's desk pending approval by local delegation.

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House Bill No. 2896 -- Monterey -- Held on Clerk's desk pending approval by local delegation.

REPORTS FROM STANDING COMMITTEES

The committees that met on Tuesday, March 29, 1994, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **Thursday, March 31, 1994**: House Bill(s) No(s). 2748, 2434, 2068, 2634, 1597, 2508, 2240, 2504, 843, 1742, 97, 2124, 2224, 2700, 1719 and 1978; House Joint Resolution(s) No(s). 503; also, House Bill(s) No(s). 2593 and 2451.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 4, 1994**: House Bill(s) No(s). 2542, 2603, 2320, 1738, 2155 and 1974; also, House Joint Resolution(s) No(s). 499, 517 and 487.

AGRICULTURE

The Agriculture Committee recommended for passage: House Bill(s) No(s). 2842; also, House Bill(s) No(s). 2395 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 2442 and 2595; also, House Bill(s) No(s). 2801, 2394 and 2102 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2798; also, House Bill(s) No(s). 2615 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2184 and 2677; also, House Bill(s) No(s). 2118 and 2161 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2790, 2210, 2261, 2526, 2759, 2772, 2812, 2072 and 2363; also, House Bill(s) No(s). 2791, 2351, 2225, 2392, 2352, 2244, 1887, 2533, 764 and 2343 with amendment(s). Under the rules,

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each was transmitted to the Calendar and Rules Committee.

We further report that the following was/were considered but failed to pass: House Bill(s) No(s). 2176 and 1497.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 1965. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2554; for concurrence: Senate Joint Resolution(s) No(s). 320 and 319; House Bill(s) No(s). 2773 and 233 with amendment(s); also, for adoption: House Joint Resolution(s) No(s). 450 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2452; House Bill(s) No(s). 2768 with amendment(s); also, House Joint Resolution(s) No(s). 435. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 2436.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2439 with amendment(s); for adoption, House Joint Resolution(s) No(s). 554, 529, 508, 545 and 514; also, House Joint Resolution(s) No(s). 173 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on Wednesday, March 30, 1994, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Monday, April 4, 1994: House Bill(s) No(s). 1937, 1688, 2457, 2287, 1878, 2574, and 2309.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 4, 1994: House Bill(s) No(s). 2625 and 2348; also, House Joint Resolution(s) No(s). 401.

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CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 2049 and 1670 with amendment(s); also, for adoption, House Joint Resolution(s) No(s). 363. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2220, 2215 and 2555; House Bill(s) No(s). 2568 and 1313 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1818; also, House Bill(s) No(s). 423 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2871, 2866, 2272, 2499, 1760, 2566, 2242 and 2736; also, House Bill(s) No(s). 2412, 2500, 2093, 2556, 1197, 1717, 2153, 2276 and 2734 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2732, 2505, 1877, 716 and 2647 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 0158 -- Memorials, Interns -- David Swayne Neese.

House Joint Resolution No. 0567 -- Memorials, Sports -- Coach Campbell Brandon, TSSAA Hall of Fame.

House Joint Resolution No. 0568 -- Memorials, Retirement -- Harold D. Lambert.

House Joint Resolution No. 0569 -- Memorials, Professional Achievement -- Diane Sawyer, "Teacher of the Year".

House Joint Resolution No. 0570 -- Memorials, Public Service -- Jimmy Halbrook, Mayor of Brownsville.

House Joint Resolution No. 0571 -- Memorials, Retirement -- Cora Frances Rowe.

House Joint Resolution No. 0572 -- Memorials, Sports -- 1993-1994 Science Hill High School boys' basketball team, TSSAA

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House Joint Resolution No. 0573 -- Memorials, Recognition and Thanks -- James Quintin Smith, recipient, Lebanon Jaycees Distinguished Service award.

House Joint Resolution No. 0574 -- Memorials, Public Service -- Robert H. Scates.

House Joint Resolution No. 0575 -- Memorials, Sports -- Cleveland High School wrestling team, TSSAA state champions.

House Joint Resolution No. 0576 -- Memorials, Sports -- 1993 Cleveland High School football team, TSSAA Class 4-A state champions.

House Joint Resolution No. 0577 -- Memorials, Recognition and Thanks -- Dr. Oscar C. Page, President of Austin Peay State University.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

REGULAR CALENDAR

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends

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TCA 16-2-506.

Further consideration of Senate Bill No. 1357, previously considered on May 18, 1993; February 23 and March 9, 1994, at which time it was re-referred to the Calendar and Rules Committee. The Calendar and Rules Committee placed on the Calendar for February 23, at which time it was substituted for House Bill No. 1039. The House withdrew Amendment No. 1; adopted Amendment No. 2, the bill was then reset to the Calendar for March 9 and March 30, 1993.

Rep. Head moved that Senate Bill No. 1357 be reset two weeks to the Calendar for April 13, 1994, which motion prevailed.

House Bill No. 2430 -- Election Laws -- Revises law concerning absentee voting; authorizes early voting. Amends TCA, Title 2, Chs. 2, 3, 5--7, 12, 19.

Rep. Purcell moved that House Bill No. 2430 be reset one week to the Calendar for Wednesday, April 6, 1994, which motion prevailed.

House Bill No. 2642 -- Education, Higher -- Requires proportional representation by women on state board of education, Tennessee higher education commission, board of regents and UT board of trustees. Amends TCA 49-1-301, 49-7-204, 49-8-201, 49-9-202.

Rep. Hargrove requested that House Bill No. 2642 be moved to the heel of the Calendar.

***Senate Bill No. 2141 -- Planning, Public --** Restricts location of building on lots without road frontage to easement which meets planning commission specifications. Amends TCA 13-3-411.

Further consideration of Senate Bill No. 2141, previously considered on March 17 and 23, 1994, at which time it was substituted for House Bill No. 2183; Amendment No. 1 was withdrawn; Amendment No. 2 was moved to the heel of the Amendments; a motion was made to adopt Amendment No. 3; the bill was then reset to the Calendar for March 30, 1994.

Rep. Head moved that Senate Bill No. 2141 be passed on third and final consideration.

Rep. Head moved to substitute Amendment No. 9 for Amendment No. 3, which motion prevailed.

Rep. Fowlkes moved to adopt Amendment No. 9 as follows:

Amendment No. 9

AMEND Senate Bill No. 2141 by deleting all language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 13-3-411, is amended by deleting the section in its entirety and by substituting instead the following:

(a) From and after the time when the platting jurisdiction of any regional planning commission has attached as provided in §13-3-402, no building permit shall be issued and no building shall be erected on any lot within the region, unless one of the following three (3) criteria is met:

(1) The street giving access to the lot upon which the building is proposed to be placed has been accepted or opened as or shall have otherwise received the legal status of a public street prior to that time; or

(2) The street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission, or on a street plat made and adopted by the planning commission; or

(3)

(A) The lot fronts upon a permanent easement which conforms to all rules, regulations and specifications applicable to the permanent easement of the planning commission or other department, division or agency of the county; provided, however, such rules, regulations, and specifications governing permanent easements shall not take effect until such rules, regulations, and specifications are approved by the county legislative body by resolution; and

(B) The permanent easement has access to an existing highway, street, or thoroughfare, or with a street located or accepted by the county legislative body after submission to the planning commission, and in case of the planning commission's disapproval, by the favorable vote of the county legislative body required in §13-3-406.

(b) The planning commission or other department, division or agency of a county as approved by the planning commission may recommend to the county legislative body regulations to govern a proposed permanent easement in a proposed subdivision as defined in §13-3-401. The purpose of the regulations is to ensure that the county is not responsible for the future maintenance of such permanent easement.

(c) Any building erected or to be erected in

violation of this section is an unlawful structure, and the building commission or the county attorney or other official designated by the county legislative body may institute a civil action to enjoin such erection or cause it to be vacated or removed.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Head requested that House Bill No. 2141 be moved down 5 places on the Calendar.

***Senate Bill No. 1802** -- Taxes, Real Property -- Permits trustee to accept partial payment of property taxes. Amends TCA 67-5-1801.

Further consideration of Senate Bill No. 1802, previously considered on March 21, 23 and 24, 1994, at which time it was substituted for House Bill No. 1805; Amendments Nos. 1 and 2 were withdrawn; a motion was made to adopt Amendment No. 3 and Amendment No. 1 to Amendment No. 3; the bill was then reset to the Calendar for March 30, 1994.

Rep. Williams (Shelby) requested that Senate Bill No. 1802 be moved down 5 places on the Calendar.

***House Bill No. 0397** -- DUI/DWI Offenses -- Lowers blood alcohol level for application of presumption of intoxication from .10 to .08 percent. Amends TCA 55-10-408.

Rep. Cross moved that House Bill No. 397 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1, seconded by Rep. Cross, as follows:

Amendment No. 1

Amend House Bill No. 397 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 55-10-408, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) Evidence that there was, at the time alleged, ten-hundredths of one percent (.10%), or more, by weight of alcohol in the defendant's blood shall create a presumption that the defendant was under the influence of such intoxicant, and that the defendant's ability to drive was impaired thereby, sufficiently to constitute a violation of Section 55-10-401. The provisions of this subsection shall only apply if the

defendant has no prior convictions for violating the provisions of Section 55-10-401.

(c) Evidence that there was, at the time alleged, eight-hundredths of one percent, (.08%), or more, by weight of alcohol in the defendant's blood, shall create a presumption that the defendant was under the influence of such intoxicant, and that the defendant's ability to drive was impaired thereby, sufficiently to constitute a violation of Section 55-10-401. The provisions of this subsection shall only apply if the defendant has been convicted one or more times of violating the provisions of Section 55-10-401.

On motion, Amendment No. 1 was adopted, with Rep. Allen requesting to be recorded as voting no.

Rep. Cross moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 397 by deleting the effective date section in its entirety and by substituting instead the following:

Section _____. The provisions of this act shall take effect July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Cross moved that **House Bill No. 397**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

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CHAIR TO SPEAKER PRO TEMPORE

Mr. Speaker Naifeh relinquished the Chair to Rep. Severance, as Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1994 -- Pensions and Retirement Benefits -- Alters method of valuation of certain investments; gives board of trustees new powers in certain situations. Amends TCA, Title 8, Ch. 37, Pt. 1.

On motion, House Bill No. 1994 was made to conform with **Senate Bill No. 2409**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2409** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 2409** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

House Bill No. 2422 -- Local Government, General -- Authorizes and restricts local governments in creation and operation of emergency communications districts. Amends TCA, Title 7, Ch. 86.

On motion, House Bill No. 2422 was made to conform with **Senate Bill No. 2220**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 2220** be passed on third

and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Hargrove moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2220 by deleting the first sentence of the amendatory language of Section 2 and by substituting instead the following:

The legislative body of the appropriate county or municipality may by its own two-thirds (2/3) vote adopt an ordinance or resolution which would reduce the levy established by the board of directors of the district; provided, however, no such ordinance or resolution shall reduce such levy below the level reasonably required to fund the authorized activities of the emergency communications district.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **Senate Bill No. 2220**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Ramsey, Venable -- 2.

A motion to reconsider was tabled.

***House Bill No. 2667 -- County Officers -- Requires runoff**

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election in Fentress County for constitutional county officers when leading candidate fails to carry majority in countywide general election. Amends TCA, Title 2, Ch. 3, Pt. 2.

Rep. Windle moved that House Bill No. 2667 be passed on third and final consideration.

Rep. Hassell moved the previous question, which motion failed by the following vote:

Ayes.	54
Noes.	32
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Davis, Fisher, Fowlkes, Haley, Halteman Harwell, Hargrove, Hassell, Head, Hillis, Huskey, Joyce, Kent, Kisber, Knight, Love, McDaniel, McKee, Meyer, Mires, Odom, Owenby, Phillips, Pinion, Pruitt, Rhinehart, Rigsby, Severance, Stamps, Stockburger, Stulce, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Williamson), Windle, Wix, Wood -- 54.

Representatives voting no were: Allen, Bragg, Brown, Callicott, Chiles, Cross, Davidson, Duer, Ferguson, Givens, Gunnels, Haun, Herron, Jackson, Johnson, Lewis, Liles, McAfee, Moore, Napier, Peroulas Draper, Phelan, Purcell, Rinks, Ritchie, Robinson, Shirley, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Williams (Union), Winningham -- 32.

Representatives present and not voting were: Kernell -- 1.

Rep. Bragg moved the previous question, which motion prevailed.

House Bill No. 2667 passed third and final consideration by the following vote:

Ayes.	89
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

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A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***Senate Bill No. 2141 -- Planning, Public -- Restricts location of building on lots without road frontage to easement which meets planning commission specifications. Amends TCA 13-3-411.**

Further consideration of Senate Bill No. 2141, previously considered on today's Calendar.

Rep. Head moved to adopt Amendment No. 1 to Amendment No. 9 as follows:

Amendment No. 1 to Amendment No. 9

Amend Senate Bill No. 2141 by deleting from Section 1(a)(3)(A) the words "by resolution" and substituting the language "in a resolution by a two-thirds (2/3) vote".

On motion, Amendment No. 1 to Amendment No. 9 was adopted.

On motion, Amendment No. 9, as amended, was adopted.

Rep. Fowlkes moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Fisher moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Givens moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Liles moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Head moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Rigsby moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Head moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Head moved that **Senate Bill No. 2141**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	87
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Buck -- 1.

Representatives present and not voting were: Rigsby -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 1802 -- Taxes, Real Property -- Permits trustee to accept partial payment of property taxes. Amends TCA 67-5-1801.**

Further consideration of Senate Bill No. 1802, previously considered on today's Calendar.

Rep. Williams (Shelby) moved that Senate Bill No. 1802 be passed on third and final consideration.

Rep. Williams (Shelby) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Phillips moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Williams (Shelby) moved to adopt Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1802 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1801, is amended by adding the following as a new subsection:

(e)(1) The provisions of this subsection shall only apply in counties having a population, according

to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>not more than</u>
18,000	18,500
27,800	28,000
50,300	50,600
54,600	55,000
80,000	83,000
85,800	86,100
500,000	600,000
825,000	830,000

(2) A county trustee may accept taxes paid by electronic funds transfer, including, but not limited to, bank customer preauthorized payments, wire transfers or ACH credits. If the entire amount of taxes due is not paid prior to the delinquency date for such taxes, the entire property shall be subject to the tax lien and enforcement by a tax sale or other legally authorized procedures.

(3) Direct bank transfers and partial payments are subject to the following guidelines:

A. Vouchers issued pursuant to the tax relief program shall be used as all or a portion of the final payment.

B. A receipt shall be issued to the taxpayer for any partial payment of taxes. The receipt shall state that:

(i) The payment is a partial payment of property taxes;

(ii) The balance owing on such taxes that must be paid prior to the delinquency date; and

(iii) A failure to pay the entire amount of the taxes prior to the delinquency date subjects any unpaid taxes to the penalties and interest applicable to delinquent taxes and subjects the entire property on which there is a lien for taxes to a tax sale. The final partial payment shall show that a zero balance is owing or shall state that the taxes are paid in full. Receipts shall also be sent to the taxpayer for payments made by direct bank transfer of funds.

C. No payment shall be accepted for less than twenty percent (20%) by counties with a population of five hundred thousand to six hundred thousand (500,000 - 600,000) according to the 1990 federal census of population or any subsequent federal census. All other trustees may accept any amount as partial

payment of tax bill.

SECTION 1. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Chumney moved to adopt Amendment No. 1 to Amendment No. 5 as follows:

Amendment No. 1 to Amendment No. 5

Amend Senate Bill No. 1802 by adding the following to the end of Section 1(e)(2):

Unless partial payment is made by electronic transfer of funds, if the county trustee accepts partial payment within ten (10) days of the delinquency date, or at any time following such delinquency date, then prior to accepting such payment the county trustee must inform the taxpayer of the delinquency date and must advise such taxpayer that the property may be subjected to tax lien and enforcement by tax sale or other legally authorized procedures.

On motion, Amendment No. 1 to Amendment No. 5 was adopted.

On motion, Amendment No. 5, as amended was adopted.

Rep. Turner (Hamilton) moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend Senate Bill No. 1802 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 285,000 nor more than 286,000 according to the 1990 federal census or any subsequent federal census.

Rep. Brown moved that Amendment No. 6 be tabled, which motion failed by the following vote:

Ayes.	19
Noes.	22
Present and not voting.	39

Representatives voting aye were: Arriola, Brown, Chiles, Chumney, Davidson, Fisher, Haley, Head, Herron, Hillis, Kernell, Liles, Pruitt, Rhinehart, Shirley, Stamps, Tindell, Turner (Shelby), Williams K (Shelby) -- 19.

Representatives voting no were: Bell, Clark, Coffey, Collier,

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Cross, Givens, Kisber, McAfee, Meyer, Mires, Odom, Phillips, Pinion, Purcell, Ridgeway, Ritchie, Robinson, Stulce, Turner (Hamilton), Williams (Williamson), Winningham, Wood -- 22.

Representatives present and not voting were: Allen, Anderson, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Cole (Carter), Crain, Duer, Ferguson, Fowlkes, Gunnels, Hassell, Haun, Jackson, Johnson, Joyce, Kent, Knight, Lewis, McDaniel, McKee, Owenby, Peroulas, Draper, Phelan, Ramsey, Rigsby, Rinks, Severance, Stockburger, Venable, Walley, West, Whitson, Williams (Union), Windle, Mr. Speaker Naifeh -- 39.

Rep. Joyce moved that Senate Bill No. 1802 be reset to the Calendar for Thursday, March 31, 1994, which motion prevailed.

House Bill No. 2172 -- Historical Commission -- Establishes Tennessee Wars Commission.

Further consideration of House Bill No. 2172, previously considered on March 28, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 30, 1994.

Rep. McDaniel moved that House Bill No. 2172 be reset one week to the Calendar for Wednesday, April 6, 1994, which motion prevailed.

House Bill No. 2642 -- Education, Higher -- Requires proportional representation by women on state board of education, Tennessee higher education commission, board of regents and UT board of trustees. Amends TCA 49-1-301, 49-7-204, 49-8-201, 49-9-202.

On motion, House Bill No. 2642 was made to conform with **Senate Bill No. 2036**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that **Senate Bill No. 2036** be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Senate Bill No. 2036 passed third and final consideration by the following vote:

Ayes.	84
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Collier, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles,

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Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Johnson -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 2036 and have this statement entered in the Journal: Rep(s). Crain.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 2532 -- Mental Health and Mental Retardation, Dept. of -- Gives commissioner authority to suspend admission to or suspend, revoke or deny licenses at certain facilities. Amends TCA, Title 33, Ch. 2, Pt. 5.**

Senate Amendment No. 4

Amend House Bill No. 2532 by inserting the following between the first and second sentences of the amendatory language of Section 1:

The commissioner may suspend the admissions to a licensed facility based only on probable cause that abuse, dereliction, or deficiency in the operation of the licensed facility has occurred or would occur without suspension of admissions.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 2532, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens,

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Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 584 out of order, which motion prevailed.

House Joint Resolution No. 0584 -- Memorials, Sports -- Springfield High School football team, TSSAA Class 3-A state champions. by *Davidson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davidson, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Duer moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 383 out of order, which motion prevailed.

Senate Joint Resolution No. 0383 -- Memorials, Death -- Luther Miller True.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Duer, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENSIONS

Rep. Purcell moved to suspend **Rule No. 17**, so that the following resolutions could introduced and referred or held on the Clerk's

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desk; also, suspended **Rule No. 80(1)**, to allow the resolutions be heard in the appropriate standing committee next week, which motion prevailed.

***House Resolution No. 0164** -- General Assembly, Confirmation of Appointment -- Michael S. Lacy, Tennessee Claims Commission. by *Purcell, *Love, *Tindell.

State and Local Government Committee.

***House Joint Resolution No. 0586** -- General Assembly, Confirmation of Appointment -- Dr. George Martin Hopper, State Forestry Commission. by *Purcell, *Bell, *Owenby.

Agriculture Committee.

***House Joint Resolution No. 0587** -- General Assembly, Confirmation of Appointment -- Fred Westbrook, State Forestry Commission. by *Purcell, *Bell.

Agriculture Committee.

***House Joint Resolution No. 0588** -- General Assembly, Adjournment, Recess -- Adjoins general assembly sine die on April 14, 1994. by *Purcell.

Held on Clerk's desk.

***House Joint Resolution No. 0589** -- General Assembly, Confirmation of Appointment -- Giles Nathaniel Replogle, State Forestry Commission. by *Purcell, *Bell.

Agriculture Committee.

***House Joint Resolution No. 0590** -- General Assembly, Confirmation of Appointment -- Dr. Ronald P. Butterfield, State Certification Commission. by *Purcell, *Davidson.

Education Committee.

***House Joint Resolution No. 0591** -- General Assembly, Confirmation of Appointment -- William R. Willis, State Certification Commission. by *Purcell, *Davidson.

Education Committee.

***House Joint Resolution No. 0592** -- General Assembly, Confirmation of Appointment -- Ernest Harper, State Racing Commission. by *Purcell, *Bell, *Love, *Tindell.

State and Local Government Committee.

***House Joint Resolution No. 0593** -- General Assembly, Confirmation of Appointment -- Jimmy Lou Rye, State Racing Commission. by *Purcell, *Love, *Tindell.

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State and Local Government Committee.

***House Joint Resolution No. 0594** -- General Assembly, Confirmation of Appointment -- Hal F. Lewis, State Racing Commission. by *Purcell, *Love, *Tindell.

State and Local Government Committee.

***House Joint Resolution No. 0595** -- General Assembly, Confirmation of Appointment -- Sam Harrison, State Racing Commission. by *Purcell, *Love, *Tindell.

State and Local Government Committee.

***House Joint Resolution No. 0596** -- General Assembly, Confirmation of Appointment -- Kenny W. Armstrong, State Racing Commission. by *Purcell, *Love, *Tindell.

State and Local Government Committee.

MOTION

Rep. Davidson requested that Senate Joint Resolution No. 386, previously placed on a Consent Calendar, be held on the Clerk's desk.

RULES SUSPENDED

On motion of Rep. Purcell the rules were suspended to allow the Delayed Bills Committee to meet on Thursday, March 31, 1994 to consider the following bills in addition to the calendar already set:

House Bills Nos. 2891, 2897 and 2900.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, March 31, 1994:

House Bill No. 2238: Rep. West.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 397: Rep(s). Givens, Knight, Herron, McAfee, Pinion, McDaniel, Stulce, Jackson, Kisber, Head, Haun, Whitson and Windle as prime sponsor(s).

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House Bill No. 1504: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 1683: Rep(s). Moore as prime sponsor(s).

House Bill No. 1923: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 2422: Rep(s). Callicott as prime sponsor(s).

House Bill No. 2434: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 2437: Rep(s). Williams (Union), Odom, Severance, McAfee, Westmoreland, Bittle, Brown, Callicott, Wix, Joyce, Hillis, Cross, Stulce and Kernell as prime sponsor(s).

House Bill No. 2568: Rep(s). Duer as prime sponsor(s).

House Bill No. 2574: Rep(s). Severance as prime sponsor(s).

House Bill No. 2642: Rep(s). Coffey as prime sponsor(s).

House Bill No. 2676: Rep(s). Coffey as prime sponsor(s).

House Bill No. 2677: Rep(s). Whitson and Davis as prime sponsor(s).

House Bill No. 2759: Rep(s). Byrd as prime sponsor(s).

House Bill No. 2801: Rep(s). Byrd and Turner (Hamilton) as prime sponsor(s).

House Joint Resolution No. 508: Rep(s). Bragg as prime sponsor(s).

House Joint Resolution No. 529: Rep(s). Windle, Napier, Stockburger, Brooks, Rigsby, Ridgeway, Fowlkes, Meyer, Lewis, Head, Venable, Mires, Duer and Bragg as prime sponsor(s).

House Joint Resolution No. 545: Rep(s). Bragg as prime sponsor(s).

House Joint Resolution No. 567: Rep(s). Mires as prime sponsor(s).

House Joint Resolution No. 573: Rep(s). Mires as prime sponsor(s).

House Joint Resolution No. 577: Rep(s). Bragg as prime sponsor(s).

**ENGROSSED BILLS
March 30, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s)

WEDNESDAY, MARCH 30, 1994 -- EIGHTIETH LEGISLATIVE DAY

No(s). 567, 568, 569, 570, 571, 572, 573, 574, 575, 576 and 577.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 30, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 405; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0405 -- Memorials, Academic Achievement -- David Lipscomb University and Jeanne M. Bowman, accreditation of social work program. by *Henry.

**ENGROSSED BILLS
March 30, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 397 and 2667; also, House Joint Resolution(s) No(s). 584.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 30, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1377, 1687 and 2535; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
March 30, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 538, 539, 541, 543, 546, 547, 548, 549, 550, 551 and 584; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
March 30, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2876, 2881, 2882, 2883, 2884, 2885, 2887, 2888 and 2889; substituted for Senate Bill(s) on the same subject(s) and

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passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1159, 1729, 1774, 1839, 1844, 1881, 1935, 2254, 2488, 2579, 2651, 2679, 2744, 2745, 2783 and 2791; also, Senate Joint Resolution(s) No(s). 287, 325, 373, 374, 376, 380, 381, 382, 384, 385, 391, 393 and 397; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2085, 2159, 2169, 2199, 2413, 2538, 2560, 2576, 2717, 2840, 2859, 2867, 2872, 2875, 2877, 2878 and 2880; also, House Joint Resolution(s) No(s). 521, 522, 524, 525, 526, 527, 530, 531, 532, 533, 535 and 536; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 30, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 372, 389 and 392; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 0372 --** Memorials, Congress -- Urges proposal and enactment of constitutional amendment providing that no court has power to levy or increase taxes; makes application for constitutional convention in absence of such enactment. by *Atchley, *et al.

Senate Joint Resolution No. 0389 -- Memorials, Sports -- 1993-1994 Cleveland High School wrestling team. by *Patten.

Senate Joint Resolution No. 0392 -- Memorials, Public Service -- Michel Lefranc, Caen, Normandy, France. by *Henry.

MESSAGE FROM THE SENATE

March 30, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1706, 2073, 2103, 2139, 2168, 2176, 2246, 2676, 2681,

WEDNESDAY, MARCH 30, 1994 -- EIGHTIETH LEGISLATIVE DAY

2686, 2717 and 2729; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1706 -- Highways, Roads and Bridges --** Establishes system of emergency call boxes along interstate highways in Tennessee, such system to be administered by department of transportation. Amends TCA, Title 54, Ch. 5. by *Harper.

***Senate Bill No. 2073 -- Corporations --** Revises corporation law. Amends TCA, Title 48, Chs. 11, 12, 16--18, 21, 23. by *Crutchfield.

***Senate Bill No. 2103 -- Driver Licenses --** Provides that a restricted commercial driver license may be issued to a person under a driver license suspension or revocation if the underlying offense was not committed in commercial motor vehicle. Amends TCA, Title 55, Ch. 50. by *Haynes.

***Senate Bill No. 2139 -- Taxes --** Exempts from taxation transfer by dealers of motor vehicles used by common carriers. Amends TCA 67-6-331. by *Rochelle.

***Senate Bill No. 2168 -- Juvenile Offenders --** Prohibits placement of juvenile correction facility adjacent to adult facilities after January 1, 1994. Amends TCA 37-1-116. by *Haynes, *Henry, *Crutchfield.

Senate Bill No. 2176 -- Economic and Community Development -- Reduces state agency purchases exempt from disclosure from \$50,000 to \$10,000 under Economic Impact Disclosure Law; removes exemption of ministerial actions by agency. Amends TCA 4-33-106. by *Harper.

***Senate Bill No. 2246 -- Driver Licenses --** Exempts members of armed forces assigned to Tennessee base and family members from obtaining Tennessee driver license if have in possession valid license from home state or country unless member establishes Tennessee as domicile; establishes inferences for determining domicile. Amends TCA 55-50-304. by *Rice.

Senate Bill No. 2676 -- Taxes, Sales -- Raises tax credit from 50 to 65 percent on replacement equipment for dry cleaners. Amends TCA, Title 67, Ch. 6. by *Rochelle.

***Senate Bill No. 2681 -- Election Laws --** Prohibits transfer of federal election campaign funds to state election campaign funds. Amends TCA, Title 2, Ch. 10, Pt. 1. by *Springer.

***Senate Bill No. 2686 -- Pensions and Retirement Benefits --** Authorizes certain additional contributions of members' earnable compensation be refunded to certain firefighters in certain circumstances. Amends TCA, Title 8, Chs. 35, 36. by *Holcomb.

***Senate Bill No. 2717 -- Education, State Board of --** Requires state board of education in consultation with commissioner of safety

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to establish statewide DARE club for students in grades 6-12.
Amends TCA, Title 49. by *Burks.

Senate Bill No. 2729 -- Livingston -- Compensates board of mayor
and aldermen \$50.00 each for every regularly scheduled meeting.
Amends Chapter 130, Acts of 1907, as amended. by *O'Brien.

ROLL CALL

The roll call was taken with the following results:

Present 89

Representatives present were: Allen, Anderson, Arriola, Bell,
Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney,
Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson,
Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley,
Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis,
Huskey, Jackson, Johnson, Joyce, Kent, Kernell, Kisber, Knight,
Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore,
Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion,
Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,
Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce,
Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,
Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams
(Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh --
89.

On motion of Rep. Purcell, the House recessed until 9:00 a.m.,
Thursday, March 31, 1994.